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**Commission on Sustainable Development acting as the preparatory committee for the World Summit on Sustainable Development**
**Fourth session**
Bali, Indonesia, 27 May-7 June 2002
Item 2 of the provisional agenda*
**Consideration of the revised Chairman's paper transmitted from the third session of the Commission acting as the preparatory committee, together with other relevant inputs to the preparatory process**

## Letter dated 5 April 2002 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

I have the honour to inform you that the Government of Mexico hosted the Meeting of Like-Minded Megadiverse Countries in Cancún from 16 to 18 February 2002. The Meeting was attended by the Ministers of the Environment and officials of the Ministries of Foreign Affairs of the main developing countries which are considered to be megadiverse and which are home to over 70 per cent of the world's biological diversity. The countries represented were Brazil, China, Costa Rica, Colombia, Ecuador, India, Indonesia, Kenya, Mexico, Peru, South Africa and Venezuela.

The Meeting resulted in the establishment of the Group of Like-Minded Megadiverse Countries, which will act as a mechanism for consultation and cooperation to promote, in a fair and equitable manner, the benefits deriving from the use of biological diversity and its components.

The Cancún Declaration of Like-Minded Megadiverse Countries (see annex) was adopted at the Meeting.

I should be grateful if you would arrange for this letter and its annex to be circulated as documents of the World Summit on Sustainable Development and its Preparatory Committee.

(*Signed*) Adolfo **Aguilar Zinser**
Ambassador

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## Annex to the letter dated 5 April 2002 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

## Cancun Declaration of Like-Minded Megadiverse Countries

The Ministers with responsibility for the Environment and the representatives of Brazil, China, Colombia, Costa Rica, Ecuador, India, Indonesia, Kenya, Mexico, Peru, South Africa and Venezuela, meeting in Cancún, Mexico, on 18 February 2002,

*Reaffirming* the sovereign rights of States over their own natural resources, in accordance with the provisions of the Convention on Biological Diversity, and our commitment to attaining its objectives, in particular those set out in articles 8 (j), 15, 16 and 19,

*Emphasizing* the need to have our actions guided by a new ethic, in which equity prevails in the relations between nations and between men and women, and in which responsible attitudes ensure the conservation and sustainable use of biological diversity, taking into consideration the precautionary principle,

*Acknowledging* our considerable natural heritage, which accounts for approximately 70 per cent of the planet's biological diversity, along with our cultural wealth and diversity, and the need to preserve and utilize it in a sustainable manner,

*Emphasizing* that the resources of biological diversity and the environmental services that depend on it have an immense strategic, economic and social value and offer development opportunities for our populations and for the international community,

*Recognizing* the urgent need to develop human resources, institutional capacities, an appropriate legal framework and public policies to enable our countries to take an active part in the new economy associated with the use of biological diversity, genetic resources and biotechnology,

*Underscoring* the importance of the traditional knowledge of indigenous and local communities for the preservation of biological diversity, the development of knowledge and the sustainable use of its components,

*Expressing* our concern at the limitations of the various international instruments in effectively protecting the legitimate interests of the countries of origin of biodiversity,

*Reaffirming* our will to take an active part in the discussion of issues relating to biological diversity in the World Trade Organization (WTO), the World Intellectual Property Organization (WIPO) and other regional and international forums,

*Recognizing* that megadiverse countries, particularly those in tropical and subtropical areas, have diverse and highly fragile ecosystems which make them vulnerable and can have a serious impact on their biodiversity,

HAVE DECIDED:

1. To create the Group of Like-Minded Megadiverse Countries as a mechanism for consultation and cooperation to promote our interests and priorities relating to the preservation and sustainable use of biological diversity, with the following objectives:

(a) To present a common front in international forums dealing with biodiversity;

(b) To promote in situ and ex situ conservation of biodiversity in the countries of origin and to develop joint projects to conduct research, make inventories of resources and invest in the development and use of endogenous technologies that support conservation and sustainable economic activities at the local level;

(c) To ensure that the goods, services and benefits deriving from the conservation and sustainable use of biological diversity are an input for the development of our peoples, in order to, inter alia, achieve food security, overcome the health problems that affect us and preserve our cultural integrity;

(d) To explore jointly ways of exchanging information and harmonizing our national legislation on the protection of biological diversity, including that on related knowledge, as well as on access to biological and genetic resources and the sharing of benefits deriving from their sustainable use;

(e) To establish regulatory frameworks to create incentives for the conservation and sustainable use of biological resources, taking into account existing subregional efforts and initiatives;

(f) To develop greater scientific, technical and biotechnological cooperation, including exchanges of experts, human resources development and the building of research-oriented institutional capacities in order to add value to the goods and services generated by biological diversity and the development of biotechnology, with the requisite risk assessment and application of the precautionary principle as required;

(g) To create an information system on biological diversity for research centres, national experience, agreements and ongoing projects as well as possible sources of financing for projects and any other information relevant to the cooperation objectives set out herein, as key elements in the creation of strategic opportunities and alliances;

(h) To encourage the creation of an international system for the effective promotion and safeguarding of the fair and equitable sharing of benefits deriving from the use of biodiversity and its components. This system should seek to cover, inter alia, the following: certification of legal provenance of the biological material, prior informed consent and mutually agreed terms for the transfer of genetic material, as requirements for patent applications and the granting of patents, in strict compliance with the conditions of access agreed by the countries of origin;

(i) To develop, in the framework of stronger South-South cooperation, strategic projects and bilateral, regional and international agreements for the conservation and sustainable use of biological diversity and genetic resources;

(j) To explore the advisability and viability of creating a fund with voluntary contributions from the megadiverse countries, international financial institutions and agencies, foundations and the private sector in an effort to broaden the scope of cooperation on agreed projects for our common benefit. We must also, as a group, identify our own as well as multilateral sources of financing in order to launch joint projects. Those we consider to be a priority include projects related to information-sharing and scientific cooperation;

(k) To promote, in a spirit of cooperation and for our mutual benefit, efforts undertaken with other countries, the private sector and other stakeholders which demonstrate their responsibility through appropriate handling of the natural heritage of megadiverse countries, and actions that can contribute to the conservation, sustainable use and benefit-sharing of genetic resources, in accordance with the Rio Principles and the Convention on Biological Diversity;

(l) To strengthen the development of traditional knowledge through public policies and funding for indigenous and local communities with a view to transforming their innovations, where appropriate, into commercially viable projects that directly benefit those communities using, where possible, intellectual property rights such as trademarks and appellation of origin;

(m) To promote the development of a sui generis framework for the protection of traditional knowledge, based on a variety of instruments and mechanisms;

(n) To encourage the current system of intellectual property rights to take into account traditional knowledge connected with biological diversity when evaluating applications for patents and other related rights; and

(o) Jointly to combat the improper or unlawful acquisition of genetic resources, by exchanging information about negative practices by private or academic institutions, and to develop mechanisms to monitor the final use of the genetic resources of the countries of origin.

2. We call on those countries that are not yet parties to the Convention on Biological Diversity, the Cartagena Protocol on Biosafety, and the Kyoto Protocol to the United Nations Framework Convention on Climate Change to become parties to these agreements.

3. We agree to meet periodically at the ministerial and expert levels and hereby decide that, upon the conclusion of each annual Ministerial Meeting, the next rotating host country will take on the role of Secretary of the Group to ensure its continuity, the further development of cooperation among our countries and the implementation of the agreements and attainment of the objectives set forth herein.

4. Lastly, we express our appreciation and gratitude to the people and Government of Mexico for having convened and successfully organized this first meeting.